

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD C. BACHMAN,

Plaintiff,

No. CIV S-03-1735 LKK EFB P

vs.

S. KUHN, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se and *in forma pauperis* with an action filed pursuant to 42 U.S.C. § 1983. This action is proceeding on plaintiff's fourth amended complaint. By court order filed June 7, 2006, the court found that plaintiff's fourth amended complaint states a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b) and found that service was appropriate for defendants G. Griffith; M. Friend; and S. Hollingsworth. The court finds that plaintiff's fourth amended complaint also states a cognizable claim against defendant Lieutenant Peddicord and will order service on that defendant.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Service is appropriate for defendant Lieutenant Peddicord.
2. The Clerk of the Court shall send plaintiff one USM-285 forms, one summons,

1 an instruction sheet, and a copy of the amended complaint filed May 18, 2004.

2 3. Within thirty days from the date of this order, plaintiff shall complete the
3 attached Notice of Submission of Documents and submit the following documents to the court:

- 4 a. The completed Notice of Submission of Documents;
5 b. One completed summons;
6 c. One completed USM-285 form; and
7 d. One copy of the endorsed amended complaint filed May 18, 2004.

8 4. Plaintiff need not attempt service on defendants and need not request waiver of
9 service. Upon receipt of the above-described documents, the court will direct the United States
10 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4
11 without payment of costs.

12 DATED: November 8, 2006.

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15 EDMUND F. BRENNAN
16 UNITED STATES MAGISTRATE JUDGE
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NOTICE OF SUBMISSION
OF DOCUMENTS

_____/

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

_____ completed summons form

_____ completed USM-285 forms

_____ copies of the _____
Complaint/Amended Complaint

DATED:

Plaintiff